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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,006	04/17/2006	Yong-Min Lee	CU-4773 RJS	8807

26530 7590 06/04/2009
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EXAMINER

PATEL, MUNJALKUMAR C

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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06/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,006	Applicant(s) LEE ET AL.	
	Examiner Munjal Patel	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 13, 2009 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 1-4, 6, 7, 9, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Karabinis (US PAT # 5,937,332)** herein after referred as **Karabinis**.

4. **Regarding claim 1, Karabinis** discloses an apparatus for repeating a signal from a satellite to a mobile station in a shadow area (**Karabinis: Abstract & Fig 2-7, Column 1 lines [17-32] ,[46-60], column 4 lines [61-67]**), the apparatus comprising:

a receiving unit for receiving the signal and amplifying the received signal from the satellite (**Karabinis: Fig 2: 210 & Fig 3: 250 discloses receiving unit with amplifier that amplifies signal received from satellite Fig 2:110**);

a radiating unit (**Karabinis: Column 5 lines [11]**) for radiating the amplified signal to the shadow area (**Karabinis: Column 4 lines [65]**); and a feeding unit for feeding the amplified signal to the radiating means (**Karabinis: Fig 2 & column 5 lines [6-21] describes the process where repeater receives signal, amplifies it and retransmits to the mobile station which provides means for feeding the amplified signal to the radiating means**),

wherein the radiating unit comprises:

a symmetrical dual transmitting antenna (**Karabinis: Fig 6 discloses both the antennas are coupled by a hinge, hence a dual transmitting antenna**) provided with a first micro strip patch array antenna (**Karabinis: Fig 3: 210:185 Col 5 lines [48-54] discloses first antenna**) and

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a second micro strip patch array antenna (**Karabinis: Fig 3: 290:175 Col 5 lines [64] Col 6 line [8] discloses second antenna**); and

a divider for dividing the amplified signal to a first portion and a second portion, and passing the first portion to the first micro strip patch array antenna and the second portion to the second micro strip patch array antenna (**Karabinis: Col 3 lines [27-30] discloses antenna isolation, hence a divider that isolates signals between two antennas**). However, Karabinis fails to explicitly state “symmetrical” dual transmitting antenna, however, the examiner maintains that it was well known in the art to provide Symmetrical dual transmitting antenna as taught by Karabinis (**Karabinis: Fig 6 discloses both the antennas are coupled by a hinge & hence at certain angle position it becomes symmetrical, hence a symmetrical dual transmitting antenna. It is noted that the claim language is broad enough and does not limit the antenna to be a fixed symmetrical dual transmitting antenna as Applicant argues**).

5. **Therefore**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Karabinis** by specifically providing "symmetrical" dual antenna, for the purpose of receiving & transmitting proper signal.

6. **Regarding claim 2, Karabinis** discloses the apparatus of claim 1, wherein the receiving unit comprises:

a micro-strip patch array antenna (**Karabinis: Fig 2: 210 is patch array antenna i.e. micro strip patch array antenna**) for receiving the signal from the satellite; and

an amplifier for amplifying the received signal (**Karabinis: Fig 3:250 & 280**) from the micro-strip patch array antenna (**Karabinis: Fig 2: 210**). This claim is rejected for the same motivation

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as claim 1.

7. **Regarding claim 3, Karabinis** discloses the apparatus of claim 2, wherein the radiating unit is installed in the shadow area (**Karabinis: Column 4 lines [65]**). This claim is rejected for the same motivation as claim 2.

8. **Regarding claim 4, Karabinis** discloses the apparatus of claim 2, wherein the micro-strip patch array antenna (**Karabinis: Fig 2: 210**) and the amplifier (**Karabinis: Fig 3:250 & 280**) are implemented as one piece (**Karabinis: Fig 2 & 3**) and further comprises a probe (**Karabinis: Fig 3: connecting probe is between 170 to 250 & 280**) for transiting the signal received from the micro-strip patch array antenna to the amplifier. This claim is rejected for the same motivation as claim 2.

9. **Regarding claim 7, Karabinis** discloses the apparatus of claim 1, wherein the receiving unit is located at a position where a line of sight to the satellite (**Karabinis: Fig 2:110 & 210 are in line of sight**) is secured. This claim is rejected for the same motivation as claim 1.

10. **Regarding claim 6 & 9, Karabinis** discloses everything in claim 5 & 1, as above, however **Karabinis** fails to disclose apparatus's intended use specifically as shadow area being overpass or underpass. However, examiner maintains that it was well known in the art at the time of invention to interpret shadow area as underpass or overpass.

Karabinis describes shadow area as signals into buildings, foliage, transportation

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vehicles, and other objects which can reduce link margin (**Karabinis: column 2 lines [6—65]**), it is obvious to one ordinary in the art to interpret it as underpass or overpass as in both situation it reduces link margin of the apparatus disclosed. This claim is rejected for the same motivation as claim 5.

11. **Regarding claim 10, Karabinis** discloses the apparatus of claim 1, wherein the first micro strip patch array antenna and the second micro strip patch array antenna are coupled by a hinge (**Karabinis: Col 8 lines [1-17] discloses Flap or cover attached with a hinge between first and second antenna and as further shown in fig 6 both the antennas are coupled by a hinge**) to tilt a radiation angle of the symmetrical dual transmitting antenna (**Karabinis: Fig 6 discloses both the antennas are coupled by a hinge & hence at certain angle position it becomes symmetrical, hence a symmetrical dual transmitting antenna**). This claim is rejected for the same motivation as claim 1.

Response to Arguments

12. Applicant's arguments filed on 04/13/2009 have been fully considered but they are not persuasive.

- a. Applicant's argument on page 7 paragraph 4 is moot due to amendment to the claims.
- b. Applicant's arguments on page 7 paragraph 5 regarding Karabinis repeater fails to disclose dual transmitting antenna, however the examiner respectfully disagree as clearly shown in Fig 3:210:185 transmitter & Fig 3:290:175 transmitter , hence dual transmitting antenna.

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c. Applicant further argues on page 8 paragraph 2—page 9 paragraph 1 regarding Karabinis can not adjust radiating angles of the first and second micro strip patch array antennas by tilting two of transmitting antennas respectively, however, the examiner respectfully disagrees as shown in figure 7 the angle between two radiating antennas can be changed as it is a mobile repeater.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Munjal Patel whose telephone number is (571)270-5541. The examiner can normally be reached on Monday - Friday 9:00 AM - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Munjal Patel
Examiner
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/M. P./

Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617